

**MAINE EMS**  
**INVESTIGATIONS COMMITTEE MEETING**  
**WEDNESDAY, APRIL 4, 2001**  
**MAINE EMS CONFERENCE ROOM, AUGUSTA**

**MEETING MINUTES**

**Present:** S. Leach, R. Doughty, C. Pillsbury, P. Knowlton, A. Azzara

**Staff:** D. White, L. Yustak Smith, AAG

**1. Call To Order:** The meeting was called to order at 12:04 p.m.

**A. Additions/Deletions to the Agenda**

Leslie Bodman,- eligibility for licensure request

**2. Investigations**

**A. Barry Nickelsberg – Update**

Staff reported that Mr. Nickelsberg has been served with the complaint and that the next step is for the District Court to schedule the case.

**B. John Sawicki – Update**

Staff reported that John Sawicki, in a March 1, 2001, letter to Maine EMS, surrendered his Maine EMS Paramedic license and his Instructor Coordinator certification.

L. Yustak Smith discussed options for acceptance of Mr. Sawicki's voluntary surrender by the Committee. She outlined the process for accepting his voluntary surrenders and for reporting the Committee's/Board's action to the Bureau of Medical Services.

The Committee reviewed its options in this case.

***Motion: That the Committee accept the voluntary surrender by John Sawicki of his Maine EMS Paramedic license #15645 and of his Maine EMS Instructor Coordinator certification; that the aforementioned voluntary surrenders are accepted and effective as of April 4, 2001; that the aforementioned voluntary surrenders are accepted as a resolution to case #00-01; that Mr. Sawicki be sent a letter that sets forth the findings of the investigation and the acceptance of Mr. Sawicki's voluntary surrenders in lieu of further disciplinary actions; and that the actions of the Committee be reported to the Bureau of Medical Services (Doughty; Pillsbury – motion carries).***

### **C. Eric Frost – Update**

Staff reported that the 2 counts of Unlawful Sexual Contact, Class C, against Mr. Frost had been dismissed and that he has been convicted of Assault, Class D. Staff noted that a provision of Mr. Frost's probation is that he is to have no unsupervised contact with anyone under the age of 16 years, except in the course of his employment.

Staff will continue its investigation into the matter.

### **D. Normand Gendron – Action**

Staff reported that Normand Gendron did not respond the notice of investigation regarding allegations that he practiced EMS patient care without a license.

The Committee directed that Mr. Gendron be scheduled for an informal conference.

### **E. Michael Drake – Informal Conference**

The Committee conducted an informal conference with licensee Michael Drake. In addition to Mr. Drake, the Committee members and D. White for the staff, participants were Michael Turndorf, attorney for Mr. Drake, Raymond Rosenzweig, Leverett Mitchell, and Scott Hill. Investigations Committee member Alan Azzara recused himself from the proceedings because of his familiarity with one of the individuals involved in the case. With the approval of Mr. Drake and his attorney, Mr. Azzara was allowed to remain in the room during the informal conference.

On behalf of his client, Mr. Turndorf requested that the informal conference not be recorded. The Committee agreed to that request.

Prior to the informal conference, Mr. Turndorf raised two point of law for consideration by the Committee. The first point was that Mr. Drake was not notified of the investigation within 60 days of Maine EMS' receipt of information regarding the alleged violations as is required in the Maine EMS statute. His second point was that under 5 MRSA §5301, only convictions may be considered, not conduct alone.

Staff noted Mr. Turndorf's points and indicated that if and when the aforementioned points become an issue, they will be addressed by Maine EMS' Assistant Attorney General.

The Committee then entered executive session for the purpose of conducting an informal conference.

***Motion: That the Committee enter executive session for the purpose of conducting an informal conference with licensee Michael Drake (Pillsbury; Doughty – motion carries 4-0-1 – Azzara is recused).***

The Committee entered executive session at 1:43 p.m.

The Committee recessed at 2:13 p.m. and re-entered executive session at 2:22 p.m.

The Committee exited executive session at 3:05 p.m.

The Committee deliberated as to the disposition of this case.

***Motion: That the Committee finds Michael Drake in violation of the Maine EMS Rules (Dated September 1, 1996) as alleged in the May 22, 2000, notice of investigation, with the exclusion of §12(A)(4); that the findings of the Committee are due to Mr. Drake's conduct during a January 13, 2000, domestic situation in which he was involved and into which he introduced a weapon; that the violations are mitigated as Mr. Drake demonstrated to the Committee no intent to harm the other party involved in the domestic situation; that Mr. Drake's remorse for his actions is credible; and that a consent agreement be entered into with Mr. Drake to resolve this investigation that provides for a license suspension for a period of 120 days, all suspended, and that his license be renewed as a probationary license with the condition that should charges be filed against Mr. Drake in any State or Federal Court for the 3 year term of the probationary license, he shall immediately surrender his license to the Board (Doughty;Pillsbury – motion carries 4-0-1, Azzara is recused).***

#### **F. Bangor Fire Department**

- a. James Green**
- b. David Bickford**
- c. Tom Higgins**

The Committee reviewed the responses of the Bangor Fire Department and the three Bangor Fire Department employees who are being investigated for unlicensed practice.

The subjects of the complaint maintain that the incidents of unlicensed practice were actually occasions when their EMS license numbers were placed on the Maine EMS run report form when they were assisting the licensed providers, but not actually providing patient care.

***Motion: That James Green, David Bickford, and Tom Higgins did not practice EMS patient care without a license; that Bangor Fire Department did not aid or abet the practice of EMS care by a person or persons not licensed to do so; that Bangor Fire***



STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
16 EDISON DRIVE  
AUGUSTA, MAINE  
04330

MICHAEL F. KELLY  
COMMISSIONER

*Department had a deficiency in documentation whereby employees were being  
documented as being on a particular call by that employee's (expired) Maine EMS*

AUGUSTINE M.  
GOVERNOR

JAY BRADSHAW  
DIRECTOR

*license number being written upon the run report; that the Bangor Fire Department has addressed this deficiency; that the subjects of the investigation receive a letter regarding the documentation deficiency; and that no further action is warranted in these cases and the investigations be dismissed (Pillsbury; Knowlton – motion carries).*

**G. Janice King - Response**

**H. Brenda Garland - Response**

The Committee received responses from licensees Brenda Garland and Janice King regarding alleged falsification of continuing education rosters from the annual Samoset conference.

*Motion: That licensees Brenda Garland and Janice King did not commit a willful violation of the Maine EMS Rules by their actions that resulted in discrepancies on Maine EMS continuing education rosters; and that Brenda Garland and Janice King receive letters of warning to resolve the cases pending against them (Doughty; Knowlton – motion carries).*

**3. Applications**

**A. Charles Murphy**

The Committee reviewed Mr. Murphy's conviction history.

*Motion: That Maine EMS renew the EMS license of Charles Murphy (Doughty; Knowlton – motion carries)*

**B. Luke Smith**

The Committee reviewed the conviction history of Luke Smith.

*Motion: That the Committee enter into a consent agreement with Luke Smith that provides for the issuance of a 3 year probationary license with the condition that should charges be filed against him in any State or Federal Court for the 3 year term of the probationary license, he shall immediately surrender his license to the Board (Doughty; Knowlton – motion carries).*

### **C. Daniel Blums**

The Committee reviewed the conviction history of Daniel Blums.

***Motion: That the Committee enter into a consent agreement with Daniel Blums that provides for the issuance of a 3 year probationary license with the condition that should charges be filed against him in any State or Federal Court for the 3 year term of the probationary license, he shall immediately surrender his license to the Board (Doughty; Azzara – motion carries).***

### **D. Rita Lundin**

The Committee reviewed the conviction history of Rita Lundin.

***Motion: That the Committee enter into a consent agreement with Rita Lundin that provides for the issuance of a 3 year probationary license with the condition that should charges be filed against her in any State or Federal Court for the 3 year term of the probationary license, she shall immediately surrender her license to the Board (Doughty; Knowlton – motion carries).***

### **E. Leslie Bodman – request for licensure eligibility**

Staff provided information regarding the criminal history of Leslie Bodman. The Committee requested that this matter be tabled until the next meeting for the purpose of the Committee having sufficient time to review the newly distributed information.

### **4. Other**

- a. Staff updated the Committee on current cases.

### **5. Next Meeting**

The next meeting will be held on May 2, 2001.

### **6. Adjourn** – The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Drexell White, Licensing Agent